

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID BUSH AND : No. 07-4936
CHRISTOPHER BUSH :
vs. :
S.C. ADAMS, LT., et al:

Thursday, January 7, 2010

Deposition of JOSEPH TRIPP,
taken pursuant to notice at the offices
of Attorney General, Norristown,
Pennsylvania, on the above date,
beginning at approximately 1:12 p.m.
before Barbara C. Stalheim, Certified
Shorthand Reporter and Notary Public.

BUCKS COUNTY COURT REPORTERS
99 Lantern Drive, Suite 201A
Doylestown, Pennsylvania 18901
215.348.1173

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COUNSEL APPEARED AS FOLLOWS:

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for the Plaintiffs

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EXHIBITS

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EXHIBITS ATTACHED TO ORIGINAL COPY OF
TRANSCRIPT ONLY

(It is hereby stipulated
and agreed by and between counsel for
the respective parties that signing,
sealing and certification are waived;
and that all objections, except as to
the form of the question, are reserved
to the time of trial.)

JOSEPH TRIPP, after having
been duly sworn, was examined as
follows:

PROCEEDINGS

BY MR. PURICELLI:

Q. Good afternoon, Sergeant Tripp.

A. Good afternoon.

Q. I take I told you were present
and heard the instructions I gave Lieutenant
Ignatz?

A. Yes.

Q. Okay. Knowing all of those
instructions are you -- do you have any

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2 questions in regards to any of that?
 3 A. None.
 4 Q. All right. I started off with
 5 the lieutenant in asking if you had reviewed
 6 anything before coming today.
 7 Did you review anything
 8 before coming today?
 9 A. Yes. I reviewed my testimony
 10 from I believe it was his arbitration
 11 hearing.
 12 Q. He being Christopher Bush.
 13 A. Chris. Yes.
 14 Q. Thanks. Okay. Yes.
 15 I'll show you that
 16 document. See if I can. I've marked the
 17 page for you. I believe you start at 117.
 18 A. Yes.
 19 Q. Okay. And so that's what you
 20 reviewed?
 21 A. Yes. Appears to be.
 22 Q. Okay. Did you review anything
 23 else?
 24 A. The Municipal Police Act, also.
 25 Q. Okay. Why did you review that?

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2 A. Because that was one of the
 3 questions that was brought up during his,
 4 Chris Bush's, hearing.
 5 Q. Okay.
 6 A. And I wanted to make sure I fully
 7 understood because I didn't really understand
 8 the day of this what he was actually asking
 9 me.
 10 Q. Okay. Before you testified had
 11 you reviewed that Act?
 12 A. Before I testified at.
 13 Q. Yes?
 14 A. Chris Bush's.
 15 Q. Yes?
 16 A. No.
 17 Q. And in the course of any of the
 18 activities you were questioned about in that
 19 Act -- or strike that -- that deposition,
 20 that arbitration had you reviewed that Act?
 21 A. Repeat the question, please.
 22 Q. Sure.
 23 Before you engaged in any
 24 of the conduct that had been discussed at the
 25 arbitration, your conduct --

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1 JOSEPH TRIPP
 2 A. Yes.
 3 Q. -- had you reviewed that Act?
 4 A. No.
 5 Q. Would it be fair to say then that
 6 you did not consider the information learned
 7 after your review to do the actions that you
 8 were being questioned about?
 9 A. One more time.
 10 Q. Sure. I'll do it slowly.
 11 In that arbitration you
 12 were asked a serious of events and acts by
 13 you.
 14 Correct?
 15 A. Correct.
 16 Q. Okay. Since then you looked at
 17 the Municipal Police Officers Jurisdictional
 18 Act.
 19 Correct?
 20 A. Correct.
 21 Q. All right. But you had not done
 22 that before the activities that you were
 23 being asked about.
 24 Correct?
 25 A. Correct.

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1 JOSEPH TRIPP
 2 Q. So would it be fair to say that
 3 whatever was in that Act that you read was
 4 not a factor in your actions that you were
 5 being asked about?
 6 A. Correct.
 7 Q. Okay. Now, you can keep that in
 8 front of you. If you turn to page 123 around
 9 line eight.
 10 A. Yes.
 11 Q. You had indicated that --
 12 paraphrasing that area of testimony -- you
 13 were told by David Bush that his kids were
 14 put into NCIC.
 15 Correct?
 16 A. Correct.
 17 Q. Okay. And you were asked by who.
 18 Correct?
 19 A. Correct.
 20 Q. Okay. And your testimony is he
 21 didn't tell you.
 22 A. That is correct.
 23 Q. Okay. Why would you want to know
 24 that?
 25 A. I want to know what police agency

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2 was also investigating the same case we were.
 3 Q. Okay. Now, did you check NCIC to
 4 see whether or not David Bush was truthful in
 5 saying his kids were put into NCIC?
 6 A. Yes, sir.
 7 Q. You did?
 8 A. Yes.
 9 Q. Did you indicate that you never
 10 looked at NCIC before in your testimony?
 11 A. Never looked at NCIC before about
 12 what?
 13 Q. Whether the kids were entered or
 14 not.
 15 Do you recall reviewing in
 16 your review saying that?
 17 A. No.
 18 Q. Okay. Now, everything that you
 19 testified to under oath at that arbitration
 20 was that true and correct?
 21 A. To the best of my recollection.
 22 Yes.
 23 Q. At that time.
 24 A. Yes.
 25 Q. Okay. So is it your testimony

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2 today that you looked at NCIC to see whether
 3 or not David Bush was being truthful that his
 4 children had been put into NCIC?
 5 A. Did I, personally --
 6 Q. Yes.
 7 A. -- or did somebody else?
 8 Me, personally --
 9 Q. Yes.
 10 A. -- go and run his -- I don't
 11 believe so.
 12 Q. Did you review any reports to see
 13 if a subordinate under you at Troop F had
 14 entered the children into NCIC?
 15 A. I believe Corporal Wheeler told
 16 me that he checked NCIC and the kids were in
 17 there.
 18 Q. So you knew that David Bush was
 19 being truthful.
 20 A. With the NCIC entry?
 21 Q. Yes.
 22 A. Yes.
 23 And I believe he provided
 24 us with a copy of it.
 25 Q. Okay. So you knew he was telling

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1 JOSEPH TRIPP
 2 the truth.
 3 A. Well, again, it was verified that
 4 the kids were in NCIC.
 5 Q. All right. The fact is he told
 6 you they were there and that was truthful.
 7 Correct?
 8 A. He told me what.
 9 Q. The kids were entered and that
 10 was truthful.
 11 A. Correct.
 12 Q. Okay. The fact is that when he
 13 told you that you didn't believe him though.
 14 Did you?
 15 A. Wouldn't say either way.
 16 Q. Well, didn't you testify at the
 17 arbitration nothing he told you you believed?
 18 A. Everything that he told you you
 19 had to verify.
 20 Q. Is that what you testified to at
 21 the arbitration?
 22 Do you recall?
 23 A. I testified to did I trust what
 24 he was telling me?
 25 Q. Yeah.

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1 JOSEPH TRIPP
 2 A. When I first met David Bush I
 3 didn't know him from Adam. Okay? There is
 4 other individuals including Corporal Wheeler
 5 that I believe they might have even went to
 6 school together. I don't know. But he's
 7 known Mr. Bush for a long time.
 8 Q. So --
 9 A. He was the one that flew the
 10 flags up right away.
 11 Q. Okay. Well, based on our short
 12 conversation are you telling me that your
 13 testimony under oath before the arbitrator
 14 may not be accurate or true?
 15 A. No. I'm not saying it was not
 16 accurate.
 17 Q. Okay. So I can rely on those
 18 answers to be accurate and true?
 19 A. To the best of my belief at that
 20 time. Yes.
 21 Q. And having reviewed it, is there
 22 anything that you want to change?
 23 A. I have not read the whole thing
 24 in front of you.
 25 Q. When did you get a copy of your

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2 testimony?
3 A. Awhile ago.
4 Q. How long is awhile ago?
5 A. I don't know.
6 Q. Well, I don't know unless you
7 tell me.
8 How many days? Months?
9 A. I don't know, either. I don't
10 know.
11 MR. HENZES: Its been
12 asked and answered. He doesn't know.
13 THE WITNESS: I don't
14 know.
15 BY MR. PURICELLI:
16 Q. Is it more than a week?
17 A. Yes.
18 Q. Okay. Is it more than two weeks?
19 A. I would bet it was more than two
20 weeks.
21 Q. How about this way: You came to
22 the knowledge that you were going to be
23 deposed in this action.
24 Correct?
25 A. For this current one?

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2 Q. Yes.
3 A. Yes.
4 Q. Okay. Do you remember when you
5 were told you were going to come today?
6 MR. HENZES: Objection to
7 the -- you're asking for attorney-client
8 privilege information.
9 MR. PURICELLI: He can
10 tell me yes or no.
11 BY MR. PURICELLI:
12 Q. I'm not asking what when you were
13 told.
14 MR. HENZES: What's the
15 difference?
16 MR. PURICELLI: Big
17 difference. My next question --
18 MR. HENZES: No. It
19 elicits it's attorney-client privilege
20 information one way or the other.
21 MR. PURICELLI: It's not
22 attorney-client privilege. You know
23 that.
24 MR. HENZES: Suffice it to
25 say its been at least over a month.

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1 JOSEPH TRIPP
2 MR. PURICELLI: I will
3 agree that he's not waiving
4 attorney-client privilege to the extent
5 that it may apply.
6 MR. HENZES: Its been over
7 a month that he's had it.
8 MR. PURICELLI: Okay.
9 MR. HENZES: If that's
10 what your question is.
11 BY MR. PURICELLI:
12 Q. I'm trying to find out how long
13 you've had the transcript. That's all.
14 So we can agree you've had
15 the transcript after you learned you were
16 going to be deposed or before?
17 A. I don't know.
18 Q. You don't know?
19 A. I honestly don't know.
20 Q. Well, relying on your best
21 recollection then when you reviewed it did
22 anything jump out at you and say that's not
23 true what I said?
24 A. No.
25 Q. Oh, okay. Now, we were -- we'll

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1 JOSEPH TRIPP
2 get back into that in a second.
3 The information about your
4 history with the State Police is that
5 correct?
6 A. Yes.
7 Q. Okay. Have you had any other law
8 enforcement experience other than what you
9 testified to?
10 A. No.
11 Q. Okay. Have you received any
12 training whatsoever from the Pennsylvania
13 State Police?
14 I know it's going to be a
15 yes, but --
16 A. Yes.
17 Q. Okay. Did any of that training
18 involve the crimes code?
19 A. Yes.
20 Q. Did any of it involve the
21 statutes in the crimes code?
22 A. Yes.
23 Q. Were you taught how to read the
24 crimes code statute?
25 A. Yes.

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investigate just because there's a history of domestic violence?
 A. You used the term missing children.
 Q. I did.
 A. That's your opinion.
 Q. Do you prefer me to use the term concealed that appears in your police reports?
 A. Mr. Bush told us where his kids were.
 Q. Oh, well then why, if that was the report labled concealment of whereabouts of the child if you knew where they were?
 A. It was not where we -- he stated they were with his mother. When you take -- that's pretty much what he's telling us is going on.
 Q. Okay. And he told you he didn't know where she was or the kids.
 Right?
 A. Correct.
 Q. So there's a big difference, isn't there, Sergeant about knowing kids'

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whereabouts, but with their mother is and missing?
 Is that what you're telling me?
 A. There's a big difference.
 Q. What is the difference?
 A. The difference is if I remember correctly, I believe he was under a PFA and was to have no contact. And they left a couple years before that, I believe.
 Q. And so they were missing.
 Weren't they?
 A. No. In my opinion, no.
 Q. Oh, okay.
 A. And according to the attorney or the district attorney of Tioga County, he's the one who made the ultimate decision that, no, they're not missing.
 Q. So you're saying the district attorneys told you that you weren't to investigate the whereabouts of the kids?
 A. Could you define investigate?
 Q. Define anything you want.
 I want you to tell me what

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JOSEPH TRIPP
 the district attorney told you in your mind, Sergeant?
 A. Pretty much considered an attempt to locate.
 Q. Why would you be trying to attempt to locate kids if in your mind you said you knew where they were; with the mother?
 A. That was his decision.
 Q. And you were to follow it.
 Aren't you?
 A. Yes.
 Q. So are you trying to tell me under oath that a district attorney says locate the whereabouts of kids that that wouldn't classify them as missing?
 A. That is correct.
 Q. Okay. And on what training have you received to make that conclusion?
 A. I didn't make the conclusion.
 Q. You didn't make the conclusion.
 A. No. The information was presented to the district attorney.
 Q. When?

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24

JOSEPH TRIPP
 A. He made --
 Q. When?
 A. Corporal Wheeler was on the phone with him, I believe, the day that I was talking to David Bush.
 Q. I want to show you what's been marked as Ignatz-5.
 Could you identify that front page for me?
 A. It's an incident report.
 Q. About what?
 A. About what?
 Q. About what?
 A. Concealments of the whereabouts of a child.
 Q. What child?
 A. The Bush children.
 Q. The Bush children. The ones you say weren't missing.
 Correct?
 A. Correct.
 Q. Okay. This is what in regards to David Bush's interaction with you and the corporal?

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2 Q. Did you go through the crimes
3 from the beginning to the end including the
4 definitions?
5 A. I don't believe we covered every
6 section.
7 Q. Okay. But they taught you how to
8 read the crimes code.
9 A. Yes.
10 Q. Did you at any time ever consult
11 sections 2908 and 2909 of the crimes code?
12 They would have been the
13 ones you were reviewing in the book earlier
14 today.
15 A. Right.
16 Q. Okay.
17 A. What are you asking? When did
18 I --
19 Q. Before today when you were
20 looking at the book I was showing --
21 A. Yes.
22 Q. -- Lieutenant Ignatz.
23 A. Yes.
24 Q. So you've seen those statutes
25 before.

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2 A. Correct.
3 Q. Did you ask anybody in the
4 department to interpret those statutes for
5 you?
6 A. Inside the department?
7 Q. Yes.
8 A. I interpreted them and also
9 Corporal Wheeler the crime unit supervisor
10 interpreted them.
11 Q. Okay. And do you recall when you
12 first asked the corporal to interpret them
13 for you?
14 A. I don't think I asked him to
15 interpret them for me. He interpreted them
16 himself and we talked about it.
17 Q. Okay. Was that before or after
18 David Bush reported his children missing?
19 A. It was the day of David Bush
20 coming in.
21 Q. Okay. Now, were you present when
22 David Bush arrived at the police at the
23 station?
24 A. Yes.
25 Q. Okay. And what, if anything,

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19

1 JOSEPH TRIPP
2 were you doing at the time he came in?
3 A. I don't recall.
4 Q. Okay.
5 A. Working.
6 Q. How did you come to interact with
7 David Bush if you did on that day?
8 A. I think being notified by
9 Corporal Wheeler that David Bush was in the
10 lobby and was making a complaint of his kids
11 being missing or whatever you want to deem
12 that.
13 Q. Okay. And before that particular
14 day had the corporal always told you every
15 time somebody came in to make a report?
16 A. No.
17 Q. What was there a difference this
18 time that you had to be told?
19 A. Because there's an issue with
20 David Bush's past history with his wife and
21 there's a multitude of background information
22 that I was unaware of with Mr. Bush.
23 Q. Are you saying the corporal was?
24 A. The corporal was aware?
25 Q. Yes.

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20

1 JOSEPH TRIPP
2 A. Yes.
3 Q. Okay. And what did the corporal
4 tell you?
5 A. History in domestic violence.
6 Multitude of PFA violations. Stuff like
7 that.
8 Q. Okay. Well, tell me exactly what
9 you recall him saying other than that.
10 A. The history of domestic violence.
11 PFA violations. PFA just recently expired
12 and now he's looking for his kids.
13 Q. Okay. And as a result of that
14 did you form any opinions or conclusions
15 about what the corporal told you about David
16 Bush?
17 A. Sure.
18 Q. What?
19 A. That he's been involved with
20 domestic violence.
21 Q. And is that all?
22 A. That's just it in a nutshell.
23 Q. Okay. And the Pennsylvania State
24 Police when they train you to take reports of
25 missing children do they train you not to

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1 A. What do you mean this is what?
 2 Q. Is this the incident report that
 3 you created --
 4 A. No.
 5 Q. -- or had created?
 6 A. No. This is Trooper Whisner's
 7 report.
 8 Q. About what?
 9 A. The concealment about the
 10 whereabouts of a child.
 11 Q. Okay. And that's a crime in this
 12 state?
 13 A. Depends.
 14 Q. Depends on what?
 15 A. Depends on whether you have a
 16 defense as far of domestic violence.
 17 Q. Well, were you to investigate the
 18 defense or collect the facts to present to an
 19 attorney?
 20 What was your job?
 21 A. Our job is to investigate what
 22 his complaint is.
 23 Q. So just because you knew that
 24 there might be a defense, are you saying you
 25

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2 took it upon yourself under State Police
 3 policy to not investigate all of the facts?
 4 A. Again, I told you that we provide
 5 the information to the district attorney. He
 6 makes the decision on which way we're going.
 7 Q. Well, you said you talked to the
 8 district attorney the first day.
 9 A. I did not.
 10 Q. That's what you just told me
 11 under oath.
 12 Didn't you?
 13 A. No. I didn't.
 14 MR. HENZES: No. He
 15 didn't.
 16 BY MR. PURICELLI:
 17 Q. Well, you just told me your
 18 corporal --
 19 A. Corporal Wheeler.
 20 Q. Corporal Wheeler did.
 21 A. Uh-huh.
 22 Q. But you said he was talking to
 23 you and told you about it.
 24 Isn't that what you told
 25 me?

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1 JOSEPH TRIPP
 2 A. Told me about what?
 3 Q. About all this domestic violence
 4 stuff.
 5 A. When he first came in? Yeah.
 6 Q. Uh-huh.
 7 A. Before he ever got through the
 8 door.
 9 Q. First day, what's the first entry
 10 on this report say?
 11 Maybe I'll make it simple.
 12 Could you show me on the
 13 first entry where it says he talked to the
 14 district attorney?
 15 MR. HENZES: Who's he?
 16 THE WITNESS: This is
 17 Trooper Whisner's report.
 18 BY MR. PURICELLI:
 19 Q. Right.
 20 Did you show me anywhere
 21 on this report where it says anybody from
 22 your department on the first day of this
 23 report called the district attorney?
 24 A. No.
 25 Q. So how do you know he did it?

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1 JOSEPH TRIPP
 2 A. Relying on the facts presented to
 3 me.
 4 Q. Aren't you required as a member
 5 of the State Police to have a full and
 6 thorough investigation?
 7 A. On the first day?
 8 Q. Got to start sometime.
 9 Don't you?
 10 A. What's your -- I'm missing the
 11 question then.
 12 Q. I'm asking you aren't you
 13 supposed to as a policy of the Pennsylvania
 14 State Police have a thorough and detailed
 15 investigation?
 16 A. Yes.
 17 Q. Okay. And that includes the
 18 activities relevant to the investigation.
 19 Correct?
 20 A. Correct.
 21 Q. And the first activity you're
 22 telling me under oath is the corporal talks
 23 to you and that doesn't appear in any of the
 24 reports.
 25 Isn't that true?

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2 A. That is true.
 3 Q. And the next activity that you
 4 tell me has been done is the District
 5 Attorney's office has been called.
 6 Isn't that true?
 7 A. That is true.
 8 Q. And that doesn't appear in any
 9 report.
 10 Does it?
 11 A. Nope.
 12 Q. Yet, based on all of this, you
 13 make a conclusion unsupported by any of your
 14 records, okay, after you've been sued that
 15 the children weren't missing.
 16 Is that true?
 17 A. That is not true.
 18 Q. Oh, okay. Well, you -- that day
 19 you said the children weren't missing because
 20 why?
 21 A. I didn't tell you that -- I told
 22 you he comes in, makes a complaint.
 23 Q. Uh-huh.
 24 A. And, again, with all the past
 25 history involved in this case --

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2 Q. That you didn't know about.
 3 A. I knew about before he came
 4 through the door of our lobby.
 5 Q. I thought you said you didn't
 6 know before that.
 7 A. Apparently you're not listening
 8 to me.
 9 Q. Apparently not.
 10 A. He's in the lobby.
 11 Q. Uh-huh.
 12 A. Corporal Wheeler comes to me,
 13 says, we have David Bush in the lobby. I
 14 don't know David Bush from Adam.
 15 Q. That's what I thought you said.
 16 A. Exactly. He fills me in on
 17 what's going on.
 18 Q. Do you know if he was being
 19 truthful?
 20 A. Who?
 21 Q. The corporal.
 22 A. I would hope so.
 23 Q. I would hope so, too, but did you
 24 know he had his facts --
 25 A. I can only rely on the facts

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1 JOSEPH TRIPP
 2 given to me.
 3 Q. Okay.
 4 A. Do I trust my crime corporal?
 5 Absolutely.
 6 Q. Okay. Now, he tells you all
 7 these things and you decided you're not going
 8 to deem the children missing.
 9 Is that true?
 10 A. Not my decision to make, as I
 11 stated before.
 12 Q. So you're telling me the District
 13 Attorney's office tells you or your man who
 14 then tells you these children are not
 15 missing.
 16 Is that what you're
 17 saying?
 18 A. It was deemed to be attempt to
 19 locate the kids. Pretty much check the
 20 welfare of the kids.
 21 Q. Then why was it listed as a crime
 22 on this report?
 23 A. That's the way it came in. These
 24 kind of reports are unfounded all the time.
 25 An alleged crime comes in. We investigate

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1 JOSEPH TRIPP
 2 it. That's why the block is up there to be
 3 unfounded.
 4 Q. Okay. But this didn't turn out
 5 to be unfounded.
 6 Did it?
 7 A. I don't know what the end result
 8 is.
 9 Q. You don't?
 10 A. Exceptionally cleared.
 11 Prosecution declined is the end result.
 12 Q. Which means what?
 13 A. The district attorney chose not
 14 to prosecute.
 15 Q. So his complaint that the
 16 children were being concealed had to be
 17 founded.
 18 Correct?
 19 A. Not necessarily.
 20 Q. No?
 21 Well, did you ever read
 22 this report?
 23 A. Yes.
 24 Q. Attributes activity to you.
 25 Doesn't it?

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1 A. Excuse me?
 2 Q. It attributes activity to you.
 3 Doesn't it?
 4 A. Yes.
 5 Q. Okay. So you did know what was
 6 going on.
 7 Didn't you?
 8 A. All the facts? Probably not.
 9 Q. All right. Let's find --
 10 A. Was I kept updated? Yes.
 11 Q. You were in what supervisory
 12 capacity in the barracks when this call came
 13 in?
 14 A. Station commander.
 15 Q. Nobody higher than you, right, in
 16 that station?
 17 A. No.
 18 Q. Okay. So it would have been your
 19 responsibility to know what was going on in
 20 your station.
 21 Wouldn't it?
 22 A. It is very difficult to know
 23 everything going on in your station.
 24 Q. Okay. But you were present for
 25

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2 Lieutenant Ignatz's testimony.
 3 Correct?
 4 A. Correct.
 5 Q. And he's higher in rank than you.
 6 Correct?
 7 A. Correct.
 8 Q. And he testified that sergeants
 9 and himself and higher go to supervisory
 10 schools.
 11 Didn't he?
 12 A. That's correct.
 13 Q. Was that accurate?
 14 A. Uh-huh.
 15 Q. Okay. He testified that
 16 supervisors should be keeping track of
 17 investigations if they're late.
 18 Was that correct?
 19 A. Station commanders or
 20 supervisors.
 21 Q. Supervisors.
 22 A. Supervisors. Correct.
 23 Q. And station commanders are
 24 responsible to make sure their supervisors
 25 are doing their job.

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1 JOSEPH TRIPP
 2 Isn't that correct?
 3 A. That is correct.
 4 Q. So he testified accurately and
 5 correctly into that area.
 6 Correct?
 7 A. Correct.
 8 Q. Now, did you keep track of this
 9 concealment of the whereabouts of child
 10 investigation?
 11 A. As far as making sure that it was
 12 submitted on time?
 13 Q. To make sure that the rules and
 14 regulations of the Pennsylvania State Police
 15 were being followed.
 16 A. For this particular
 17 investigation?
 18 We don't do that for
 19 particular --
 20 Q. Is there --
 21 A. -- investigations.
 22 Q. Is there a difference on criminal
 23 investigations?
 24 One type doesn't get
 25 followed up on and is allowed and another one

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1 JOSEPH TRIPP
 2 does?
 3 A. Again, trooper takes a report,
 4 submits it to the crime supervisor is if it's
 5 a criminal investigation. He then keeps
 6 track of when the supplemental reports are
 7 do.
 8 Q. Uh-huh.
 9 And it's your job to make
 10 sure that he does his job.
 11 Correct?
 12 A. Correct.
 13 Q. And you told me a moment ago you
 14 kept watch on this one.
 15 Correct?
 16 A. I didn't say I -- I said I was
 17 updated.
 18 Q. Well --
 19 A. I never said I kept watch on it.
 20 Q. -- this was, I believe you
 21 testified to in the arbitration, an unusual
 22 thing.
 23 A. It is.
 24 Q. So that testimony was correct.
 25 Right?

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